

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: : CASE NO. 19-56304-PMB
:
SONJA NICOLE WILLIAMS :
: CHAPTER 7
DEBTOR. :

**RESPONSE OF MICHAEL RAFI IN OPPOSITION TO
DEBTOR'S MOTION FOR DAMAGES AND SANCTIONS AGAINST FORMER
COUNSEL, MICHAEL RAFI, FOR WILLFUL VIOLATIONS OF THE AUTOMATIC
STAY UNDER 11 U.S.C. § 362(K), BREACH OF FIDUCIARY DUTY, NEGLIGENCE,
AND PROFESSIONAL MISCONDUCT AND DEBTOR'S EX PARTE MOTION TO
ENFORCE AUTOMATIC STAY AND ENJOIN IMPROPER STATE COURT ACTIONS
FILED BY SONJA NICOLE WILLIAMS**

COMES NOW Michael Rafi and the Rafi Law Firm, LLC, by and through the undersigned counsel, and files this response in opposition to Debtor's Motion for Damages And Sanctions Against Former Counsel, Mike Rafi ("Defendant"), For Willful Violations Of The Automatic Stay Under 11 U.S.C. § 362(K), Breach Of Fiduciary Duty, Negligence, And Professional Misconduct. (the "Motion"; Doc No. 231) and Debtor's Ex Parte Motion to Enforce Automatic Stay and Enjoin Improper State Court Actions filed by Sonja Nicole Williams (the "Ex Parte Motion"; Doc No. 234)

BACKGROUND

1. On April 23, 2019, Sonja Nicole Williams (the "Debtor") filed a voluntary Chapter bankruptcy case.

2. On December 10, 2019, Debtor's Chapter 13 case, at her request, was converted to a case under Chapter 7.

3. On November 4, 2020, Debtor received a discharge under Chapter 7 of the Bankruptcy Code.

4. On August 26, 2021, Debtor's bankruptcy case was closed.

5. On or about April 11, 2023 Debtor and ShockTheory DLV, Inc retained Mike Rafi and the Rafi Law Firm, LLC, ("Rafi") to respond to a non-party Request for Production of Documents and evaluate Debtor's interests in connection with the contemplated intervention in a pending proceeding in the State Court of DeKalb County, Case No. 21A03275 ("State Court Action"), against Delta, Craig Alexander, and all other responsible parties for damages arising out of the communications application that the Debtor alleges she created with Craig Alexander.

6. On October 30, 2023, Debtor and ShockTheory DLV, Inc. sent an e-mail to Rafi terminating representation and requesting that Rafi withdraw as non-party counsel in the State Court Action.

7. On November 29, 2023, an order was entered in the State Court Action authorizing the withdrawal of the Rafi as non-party counsel to Debtor and ShockTheory DLV, Inc.

8. On April 12, 2024, Debtor was granted leave to intervene in the State Court Action and subsequently filed a Complaint in Intervention ("Complaint") on June 25, 2024, naming the existing parties and adding additional defendants, including Rafi.

9. The Complaint contains allegations and claims against Rafi similar to those in the Motion.

10. On November 22, 2024, Debtor, through her counsel, and Rafi agreed to a mutual release of all claims arising from Rafi's representation of Debtor and ShockTheory DLV, Inc.

11. The Complaint was dismissed in its entirety by the State Court on December 20, 2024.

12. On November 6, 2024, the United States Trustee filed its motion to reopen this case (Doc. No. 222).

13. On December 13, 2024, this Court entered an order granting the United States Trustee's motion to reopen. *See* Doc. No. 224.

14. Notwithstanding the November 22, 2024, settlement agreement between Debtor, ShockTheory DLV, Inc, and Rafi, on December 18, 2024, Debtor filed her Motion and Ex Parte Motion on December 20, 2024.

NO BASIS FOR MOTION OR EX PARTE MOTION

15. Debtor's Motion and Ex Parte Motion are meritless and deficient for numerous reasons and should be denied.

16. In the Motion and Ex Parte Debtor asserts that Michael Rafi has willfully violated the automatic stay and committed professional malpractice in connection with the post-petition representation of the Debtor.

17. With respect to Debtor's claims that Michael Rafi has violated the automatic stay the Debtor's claims have no merit. The Rafi Law Firm represented the Debtor from April 11, 2023, through November 29, 2023. The automatic stay terminated when Debtor's case was closed and any acts as Debtor's post-petition counsel could not have been a willful violation of automatic stay, as it was not in effect.

18. With respect to the claims of professional malpractice the Motion fails to set forth any basis for this Court's jurisdiction over Debtor's State law non-core claims and for obtaining the relief by motion as opposed to an adversary proceeding. Further, there is no affidavit

accompanying the claims of professional malpractice as required by O.C.G.A. § 9-11-9-1.1. The Motion and Ex Parte Motion are completely procedurally deficient.

19. Michael Rafi and The Rafi Law Firm, LLC, reserve all rights, including without limitation, to contest jurisdiction and assert procedural and substantive defenses and to request other relief.

20. Debtor's Motion and Ex Parte Motion should be denied and dismissed.

Respectfully submitted,

This 13th day of January 2025

LAMBERTH, CIFELLI,
ELLIS & NASON, P.A.

By: /s/ Gregory D. Ellis
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CERTIFICATE OF SERVICE

This is to certify that I have on this day electronically filed the foregoing *Response of Michael Rafi In Opposition to Debtor's Motion For Damages And Sanctions Against Former Counsel, Michael Rafi, For Willful Violations Of The Automatic Stay Under 11 U.S.C. § 362(K), Breach Of Fiduciary Duty, Negligence, And Professional Misconduct and Debtor's Ex Parte Motion to Enforce Automatic Stay and Enjoin Improper State Court Actions* filed by Sonja Nicole Williams using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program.

I further certify that on this day I caused a copy of the foregoing Application to be served via United States First Class Mail, with adequate postage affixed thereto to the following party set forth below, at the address shown:

Sonja Nicole Williams
1334 Holcombs Pond Ct,
Alpharetta, GA 30022

Dated: January 13, 2025

/s/ Gregory D. Ellis
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